

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 17th day of October, 2011 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight Mayor
Phillip Hyatt Mayor Pro Tempore
James A. Mills Council Member
Ross McElwee Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT:

OTHERS PRESENT: Ron Hale, Bobby Pash, Ernie Torres, Olivia Torres, Jim & Alpha Covington, Donald & Jeanie Brummett, Capt. Tom Doran, Terry & Cheryle Stansberry, Maryam Abbasian, Phil & Nell Reynolds, Katie Roberts-Verhelst, David Rector, Charlie Marshall Dr. Royce Avery, Mike& Jan Moore, Barbara Venable/TEMA Oil & Gas Co., David Underbrink, Erik Aguirre, Grant Erickson, Randy & Jeanne Hunter, Ed & Ellie Block, Jennifer Thomas, Jacob Atcher and Patsy Lawrence.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:01 P.M. on October 17, 2011.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON MINUTES OF OCTOBER 3, 2011.**

Mayor Pro Tem Hyatt made a motion to approve the minutes of October 3, 2011. Council Member Mills seconded the motion and the motion carried unanimously.
- 4. PUBLIC HEARING ON REQUEST OF MARYAM ABBASIAN TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS TRACT 5, BLOCK 207, 1842 W. WHEELER STREET, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Attorney Allen Lawrence opened the Public Hearing at 7:03 P.M. He stated the Planning and Zoning Commission had met on October 11, 2011 and approved a Conditional Use Permit for Ms. Maryam Abbasian. He asked if Ms. Abbasian was present to speak on behalf of her business Import Auto.

Ms. Maryam Abbasian stated yes. She stated her and her husband had the Import Auto business for approximately 15 years until his passing last year. She stated she would like a perpetual Conditional Use Permit instead of a two year Conditional Use Permit.

Attorney Lawrence asked if there was anyone present to speak in favor of the request of Ms. Abbasian.

There were none.

Attorney Lawrence asked if there was anyone present to speak in opposition of the request of Ms. Abbasian.

There were none.

Attorney Lawrence closed the Public Hearing at 7:06 P.M.

5. **CONSIDER AND ACT ON REQUEST OF MARYAM ABBASIAN TO OPERATE A USED CAR LOT. THE PROPERTY IS DESCRIBED AS TRACT 5, BLOCK 207, 1842 W. WHEELER STREET, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS DISTRICT.**

Mayor Pro Tem Hyatt asked when Condition Number 5 – Any Ordinance violation of any kind will be subjected to termination of Conditional Use Permit immediately, became a condition in the Conditional Use Permits.

Council Member Ross McElwee stated Planning and Zoning added Condition Number 5 because of previous problems at Import Auto. He stated there were code violations and accusations of threats from the Code Enforcement Officer. He stated Import Auto should come up to code before issuing a perpetual Conditional Use Permit.

Planning and Zoning Commissioner Donald Brummett stated Import Auto was working without a Conditional Use Permit and was working on cars on the lot which is in violation of City Ordinances. Import Auto was told the only way work could be performed on cars is if they had a building on the property to conduct the mechanic work. He stated that was the reason Planning and Zoning gave Import Auto a two year Conditional Use Permit.

Council Member Abrego made a motion to approve the request of Maryam Abbasian to operate a used car lot (perpetually) with the removal of Condition Number 5 – Any ordinance violation of any kind will be subjected to termination of Conditional Use Permit immediately. The property is described as Tract 5, Block 207, 1842 W. Wheeler Street, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business District. Council Member Mills seconded the motion and the motion carried with Council Member McElwee voting no.

6. **CONSIDER AND ACT ON RESOLUTION NO. 2011-662 - AMENDING CONN BROWN HARBOR LEASE 86-026 BETWEEN THE CITY OF ARANSAS PASS AND TEMA OIL AND GAS COMPANY AND ACCEPTING CERTAIN TERMS AND CONDITIONS.**

Passed.

7. **CONSIDER AND ACT ON AUTHORIZING BIDS FOR CAPITAL FUND PROJECT. (ARANSAS AUTOPLEX SEWER LINE)**

Council Member McElwee made a motion to authorize bids for Capital Fund Project. (Aransas Autoplex sewer line) Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON APPROVING BOBBY PASH'S HARBOR LEASE PROPOSAL.**

Passed.

9. **CONSIDER AND ACT ON APPROVING THE EXTENSION OF MAYOR AND COUNCIL MEMBER TERMS FROM TWO YEARS TO FOUR YEARS AND HOLDING ELECTIONS IN MAY ON ODD NUMBER YEARS. (SENATE BILL 100-MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT)**

It was the consensus of the City Council to have a workshop with the Aransas Pass Independent School Board before acting on this item.

10. **CONSIDER AND ACT ON INTERLOCAL COOPERATION AGREEMENT – ROADS BETWEEN THE CITY OF ARANSAS PASS AND ARANSAS COUNTY.**

Council Member Mills made a motion to approve an Interlocal Cooperation Agreement – Roads between the City of Aransas Pass and Aransas County. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON APPROVING PAYMENT OF THE TEXAS WINDSTORM INSURANCE DEDUCTIBLE REGARDING CITY BUILDINGS.**

City Manager Winters stated several city building roofs sustained damage during the hail storm in January of this year. He stated the City of Aransas Pass went out for bids to get the roofs repaired and Berryman Roofing came in as low bid. City Manager Winters stated that each building had its own deductible and added together came to a total of \$71,567.00.

Council Member Abrego made a motion to approve payment of the Texas Windstorm Insurance deductible of \$71,567.00 regarding city buildings. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

12. **CITIZEN'S COMMENTS.**

Planning and Zoning Commissioner Donald Brummett asked the City Council not to use their seats on City Council to give their friends special treatment. He stated if the Council continues to go against Planning and Zoning recommendation, the Council should dis-ban the Planning and Zoning Commission.

13. **RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Knight recessed the Regular Meeting at 7:42 P.M.

A. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROERTY – CONN BROWN HARBOR**

14. **RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Knight reconvened the Regular Meeting at 8:56 P.M.

A. **SECTION 551.072 – DELIBERATIONS REGARDING REAL PROERTY – CONN BROWN HARBOR**

No action taken.

15. **ADJOURNMENT OF MEETING.**

Council Member Mills made a motion to adjourn the meeting. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:57 PM.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary